

## **Topsfield Planning Board**

November 20, 2012

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Henry Goudreau and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

**Visitors:** Selectman Dick Gandt; Edmond LeClair, David Bond, Paul Nowak, Seth Bernatchez, Frank Iovanella, Heidi Fox, Andy Fox, Steven Duncan, Fred Young; Randy Sabino, Roy Sabino, Jan Sabino, Chris Beucler, Bill Andreas, Nik Andreas, Brigitte O'Malley, Tim O'Malley, John Morin, Ken Magee

### **Minutes:**

Clerk Jan Ablon made the motion to approve the minutes of September 4, 2012 as written; seconded by Member Stephen Hall; so voted 4-0.

Member Steven Hall made the motion to approve the minutes of October 2, 2012 as written; seconded by Member Henry Goudreau; so voted 3-0-0. Clerk Janice Ablon abstained.

**Review of Zoning By-law:** The Board discussed the review of the Zoning By-laws relative to amendments for the May Annual Town Meeting. It was the consensus of the Board that the members would work with Selectman Gandt relative to document management to address formatting and clerical issues.

**Stormwater Management:** Chairman Morrison informed the Board that she had a discussion with David Bond, the Stormwater Coordinator. He has requested that the Board allow the Coordinator to exercise discretionary approval for minor projects. The Board agreed.

**Route 1 Alteration:** Chairman Morrison noted that the Department of Transportation is not subject to the Town's Bylaws with the exception of the Conservation Commission's jurisdictional oversight; as such, the Department has moved forward with the alteration of the slope abutting private property on Route 1 without seeking a stormwater management permit. Ms. Morrison noted that it would be in best interest of the Town to make a written inquiry through Town Counsel to the State as to the parameters of the slope easement and the permanence of the work. One important question to ask would be relative to whether the private property abutter would have any rights to request alterations to the slope. The Town's rights and future interest need to be protected, and a paper trail developed to guide future Board actions.

**19 Orchard Lane:** At 8:00PM, Chairman Morrison called to order the public hearing to consider the application of The 2012 Donna Rauseo Trust, Todd Manganaro, Trustee, by Edmond LeClair for 19 Orchard Lane pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway.

Builder Ed LeClair represented the applicant and reviewed the stormwater plans with the Board. Stormwater Coordinator David Bond was present and noted that this was a boiler plate project and the plan utilized the existing topography and drainage characteristics of the property. There would be no underground structures required such that an O&M plan would not be required.

In answer to the neighborhood concern relative to the existing drainage easement that has been in place since the subdivision was developed, both Mr. LeClair and Mr. Bond responded that there would be no impact to the volume of water flow in the easement that contains water flowing down from Pine Grove Cemetery.

Upon review of the documentation and plan, Member Ian De Buy Wenniger made the motion to endorse a Storm Water Management And Erosion Control Plan entitled “Stormwater Management Permit Plan #19 Orchard Lane in the Town of Topsfield, Massachusetts”; Dated: October 4, 2012; Prepared by: Beals Associates Inc.; Prepared for: 2012 Donna Rauseo Trust; Owned by: 2012 Donna Rauseo Trust, 8221 Snowden River Parkway, Columbia MD 21045 showing the stormwater and erosion control engineering design for managing the stormwater run-off. Further, the Planning Board’s grant of said special permit is subject to the following conditions:

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan “Stormwater Management Permit Plan #19 Orchard Lane in the Town of Topsfield, Massachusetts”, dated July 4, 2012.
2. Inspection of any proposed interceptor drains, trenches or devices during construction by Highway Superintendent/Stormwater Coordinator David Bond.

Seconded by Member Henry Goudreau; so voted 5-0.

**5 – 25 Wildes Road:** At 8:15PM, Chairman Morrison called to order the joint public hearing to consider (1) the scenic road special permit application and (2) the public shade tree removal permit application of National Grid to remove thirteen (13) shade trees located along Wildes Road, a designated scenic road, between 5 and 25 Wildes Road to facilitate overhead installation of 13.2Kv electric lines to provide an electric supply to The Meadows development. All trees proposed for removal are marked in the field with an orange ribbon on the tree trunk.

Arborist Seth Bernatchez represented National Grid, the applicant, and reviewed the plan and the list of the 13 trees to be removed along Wildes Road for the new pole installations in order to run 13Kv cable from Route 1 to provide electric power to “The Meadows” housing development. In order to provide this power service to the development, 13Kv cable is required. This cabling is heavier than the normal residential cabling and due to its weight must be installed at 40 feet. At this height, 50% of the tree canopies would have to be trimmed back, such that the trees would be compromised and eventually die.

Chairman Morrison inquired if there was an alternative. Tree Warden David Bond responded that power would have to come from East Street and more trees would be affected.

Mr. Bernatchez also discussed the re-planting plan with the Board. National Grid would provide two new trees for every one tree removed. The new trees would be species that would grow under the wires. There would be 26 new trees planted to replace the removed trees, their stumps removed, and wood hauled away by National Grid.

Resident Steve Duncan requested that new trees be planted in front of the golf course entrance. Chairman Morrison agreed with the request and that that stretch of roadway required tree beautification and the use of these trees would have a good impact for the area.

Resident Fred Young referred to his letter to the Board, dated November 9, 2012, and was acknowledge by the Chair. He felt that even though there was tree damage and defects in some of the trees it was not an excuse for wholesale removal of said trees along Wildes Road. A discussion followed as to the state of the trees proposed to be removed. Mr. Young provided alternatives such as zig sagging the cable and moving the location of the newly installed poles.

Resident Randy Sabino noted that he was totally in favor of the removal plan since the installation of the underground gas and water lines had already damaged the tree roots and compromised the viability of the trees in question.

Selectman Gandt suggested that a five year plan be developed to restore the scenic road. Chairman Morrison endorsed this concept and requested a resident volunteer to work with Mr. Bernatchez and the Tree Warden to develop a re-planting plan. Resident Heidi Fox volunteered. The Chair further requested that the plan include an illustration of the trees along the street. Further discussion ensued.

Tree Warden David Bond recommended that the Board approve the removal of the proposed 13 trees subject to conditions in order for National Grid to proceed with the tree work for the installation of the power service to the housing development.

Upon the agreement of the conditions, Member Ian De Buy Wenniger made the motion to approve the petition of National Grid by Seth Bernatchez for a special permit in

accordance with the Town Code, Chapter LV, Topsfield Scenic Road Bylaw and M.G.L. Ch. 40, Sec. 15C and M.G.L. Ch. 87, Sec. 3 so as to permit the removal of thirteen (13) shade trees located along Wildes Road, a designated scenic road, between 5 and 25 Wildes Road to facilitate overhead installation of 13.2Kv electric lines to provide an electric supply to The Meadows development according to National Grid Plan dated October 18, 2012; Assessor's Map: Map 12, Blocks 25 & 24; Map 13, Block 20; Map 8, Block 4; Map 13, Blocks 19 & 18. Further, the Planning Board's grant of said special permit is subject to the following conditions:

1. Re-planting plan for Wildes Road shall be formulated by the Spring of 2013 for the 26 replacement trees or portion thereof to be provided by Massachusetts Electric.
2. Said plan is to be coordinated with Tree Warden David Bond and Wildes Road resident Heidi Fox.
3. Replacement trees shall be planted in the Spring of 2013 in accordance with said planting plan.

Seconded by Member Steven Hall; so voted 5-0.

**67 Washington Street:** At 9:15PM, Chairman Morrison called to order the public hearing to consider the application of Milk Street Properties LLC for 67 Washington Street pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway.

Engineer Stephen Stapinski of Merrimack Engineering Services represented the applicant and reviewed the stormwater plans with the Board. He noted that there are well draining soils on the property and no wetlands. The plans included a groundwater recharge component with the installation of four separate infiltration systems, a trench along driveway to reduce post development flow, and leaf guards on all gutters. An Operations & Maintenance Plan was also referenced as part of the submission package.

Stormwater Coordinator David Bond was present and noted that stormwater plan was 100% in compliance with the Bylaw and was a text book case.

Upon review of the O&M documentation and stormwater plan, Member Ian De Buy Wenniger made the motion to endorse a Storm Water Management And Erosion Control Plan entitled "Proposed Site Plan in Topsfield, Massachusetts"; Dated: June 27, 2012, Revised as of October 22, 2012; Prepared by: Merrimack Engineering Services; Prepared for: Milk Street Properties LLC; Owned by: Milk Street Properties LLC, 66 Park Street, Andover, MA 01810 showing the stormwater and erosion control engineering design for managing the stormwater run-off and attached Operation And Maintenance Plan.

Further, the Planning Board's grant of said special permit is subject to the following conditions:

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan "Proposed Site Plan in Topsfield, Massachusetts" dated: June 27, 2012, Revised as of October 22, 2012.
2. Inspection of any proposed interceptor drains, trenches or devices during construction by Highway Superintendent/Stormwater Coordinator David Bond.

Seconded by Member Steven Hall; so voted 5-0.

**19 Pheasant Lane:** Owners Tim and Brigitte O'Malley and Project Engineer John Morin reviewed the proposed ANR plan with the Board. This plan configured a land swap between the O'Malley's and the Town of Topsfield. Chairman Morrison noted that this land swap has been approved by Town Meeting and the State Legislature since it involved conservation land owned by the Town. The approval of the ANR plan by the Planning Board is the last step in this process. With the reconfiguration of the lot lines, the Town's property would be directly connected to the abutting state forest property creating a direct access from a public way to the state property.

The Board proceeded with the check list review and determined that the plan met the Planning Board requirements and made the determination that this plan was not subject to the Subdivision Control Act. Chairman Morrison made the motion to endorse as "Approval Not Required" a Plan entitled "Plan of Land In Topsfield MA"; Dated: April 20, 2011; Prepared by: The Neve – Morin Group; Owned by: Town of Topsfield And Brigitte & Timothy O'Malley showing the division of land on Map 6, Parcel 23; Map 11, Parcel 2 in the Town of Topsfield, Essex County, Massachusetts into **two (2)** reconfigured lots shown on said plan with the exchange of land by change of lot lines between Parcel 23 (19 Pheasant Lane) and Parcel 2 owned by the Town of Topsfield relative to Parcels A and B; seconded by Member Steven Hall; so voted 5-0.

**10 Gail Street:** Owner Ken Magee reviewed the proposed ANR plan with the Board. The plan is a lot line change between 10 Gail Street and 9 Gail Circle. Mr. Magee is purchasing a parcel of land from the Harrington's owners of 9 Gail Circle. This lot line change would make Mr. Magee's property frontage conforming to the district requirement and the 9 Gail Circle property would remain a conforming lot.

The Board proceeded with the check list review and determined that the plan met the Planning Board requirements and made the determination that this plan was not subject to the Subdivision Control Act. Member Steven Hall made the motion to endorse as "Approval Not Required" a Plan entitled "Plan of Land In Topsfield, MA"; Dated: October 29, 2012; Prepared by: Donohoe And Parkhurst, Inc.; Owned by: Kendal H. and Gail A. Magee; and Eric R. and Kirstin A. Harrington showing the division of land on

Map 40, Lot 21(Harrington) and Map 40, Lot 22 (Magee) in the Town of Topsfield, Essex County, Massachusetts into **two (2)** reconfigured lots by change of lot line between Lot 1 and Lot 2 shown on said plan as Lot 1 combined with Parcel A, and reconfigured Lot 2 minus 852 sq. ft.; seconded by Clerk Janice Ablon; so voted 5-0.

The meeting was adjourned at 10:14 PM.

Respectfully submitted,

Roberta M. Knight  
Community Development Coordinator